

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Criminal No. 05-10220-NMG
)
JAMES D. GOODWYN,)
Defendant.)

**UNITED STATES' MOTION
FOR FINAL ORDER OF FORFEITURE**

The United States, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves that this Court issue a Final Order of Forfeiture in the above-captioned case pursuant to 21 U.S.C. § 853. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned a one-count Indictment charging Defendant James D. Goodwyn (the "Defendant") with Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a)(1).

2. The Indictment sought the forfeiture, as a result of committing the offenses alleged in Count One of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, pursuant to 21 U.S.C. § 853. Such property includes, but is not limited to, the following:

One Blue 1999 Mercedes ML320, VIN# 4JGAB54E6XA060768, Massachusetts license plate 36LT48, registered in the names of James D. Goodwyn and Dana L. Ruffin (the "Mercedes").

3. On November 2, 2006, the Defendant pled guilty to Count One of the Indictment. At the hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States provided the Court with a basis for the forfeiture of the Mercedes, and the Court advised the Defendant of the applicable forfeitures.

4. On December 15, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Mercedes.

5. Notice of the Preliminary Order of Forfeiture was sent to all interested parties and published in the Boston Herald on January 3, 2007, January 10, 2007, and January 17, 2007.

6. No claim of interest in the Mercedes has been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on February 17, 2007.

WHEREFORE, the United States respectfully moves that this Court enter a Final Order of Forfeiture against the Mercedes in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/ Eugenia M. Carris
EUGENIA M. CARRIS
Assistant U.S. Attorneys
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

Date: February 20, 2007

CERTIFICATE OF SERVICE

I, Eugenia M. Carris, Assistant U.S. Attorney, hereby certify that the foregoing Motion of the United States for Final Order of Forfeiture, as well as the proposed Final Order of Forfeiture, was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/Eugenia M. Carris
EUGENIA M. CARRIS
Assistant U.S. Attorney

Date: February 20, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
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) Criminal No. 05-10220-NMG
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JAMES D. GOODWYN,)
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Defendant.)

FINAL ORDER OF FORFEITURE

GORTON, D.J.

WHEREAS, on August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned a one-count Indictment charging Defendant, James D. Goodwyn (the "Defendant") Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a) (1);

WHEREAS, the Indictment sought the forfeiture, as a result of committing the offense alleged in Count One of the Indictment, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, pursuant to 21 U.S.C. § 853, including but not limited to the following:

One Blue 1999 Mercedes ML320, VIN# 4JGAB54E6XA060768, Massachusetts license plate 36LT48, registered in the names of James D. Goodwyn and Dana L. Ruffin (the "Mercedes").

WHEREAS, on November 2, 2006, the Defendant pled guilty to Count One of the Indictment;

WHEREAS, the hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States provided the Court with a basis for the forfeiture of the Mercedes and the Court advised the Defendant of the applicable forfeitures;

WHEREAS, on December 15, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Mercedes;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published in the Boston Herald on January 3, 2006, January 10, 2007, and January 17, 2007; and

WHEREAS, no petitions or claims of interest in the Mercedes have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on February 17, 2007.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title, or interest in the Mercedes, and the Mercedes is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. Any parties having any right, title or interest in the Mercedes is hereby held in default.

4. The United States is hereby authorized to dispose of the Mercedes in accordance with applicable law.

NATHANIEL M. GORTON
United States District Judge

Date: